

REMARKS**I. Status of the Claims:**

Claims 1-4, 7 and 9-17 are pending in the application. Applicants wish to thank the Examiner for the indication of allowable subject matter in regard to claims 1-4, 7 and 9-16.

By this Amendment, claim 17 has been amended. Upon entry of this Amendment, claims 1-4, 7 and 9-17 would be pending. No new matter has been introduced by this Amendment.

II. Rejections Under 35 U.S.C. §102:

Claim 17 is rejected under 35 U.S.C. §102(b) as being anticipated by Nishio et al. (US 5,006,745).

Claim 17 has been amended to incorporate the subject matter of claim 16 (which has been allowed). Namely, claim 17 as amended now further recites that the slot to pole ratio is further selected to provide a total harmonic distortion (THD) less than 0.18 where $THD = \sqrt{((V_2/V_1)^2 + (V_3/V_1)^2 + (V_4/V_1)^2 + (V_5/V_1)^2 + (V_6/V_1)^2 + (V_7/V_1)^2 \dots)}/V_1$ % and V1, V2, V3 are the fundamental and higher order harmonics of the generated waveform assuming a 180 electrical degree magnet span (full pitch).

The Applicants respectfully submit that the above noted claimed arrangement is not taught or suggested by Nishio. Accordingly, claim 17 is believed to be distinguishable over the cited reference.

III. Finality of the Office Action:

The Applicants respectfully traverse the Finality of the Office Action after the filing of an RCE and Amendment on January 18, 2006.

Section 706.07(b) of the MPEP states:

The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) *all claims* of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application.

See MPEP §706.07(b) (emphasis added).

Since “all” claims presented in the Amendment of January 18, 2006 would not have been properly finally rejected on the grounds and art of record if they had been entered in the earlier application, the finality of this Office Action is believed to be improper. Accordingly, reconsideration and withdrawal of the Finality of the current Office Action are respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 0403-4104.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 0403-4104.

Respectfully submitted,
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